

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAMELA WALLACE,

Plaintiff,

v.

GROUP LONG TERM DISABILITY PLAN FOR
EMPLOYEES OF TDAMERITRADE HOLDING
CORPORATION and THE HARTFORD LIFE
AND ACCIDENT INSURANCE COMPANY,

Defendants.

NO. 1:19-cv-10574

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: March 17, 2020

PROPOSED SCHEDULING ORDER

The Parties have conferred by and through counsel and hereby respectfully submit to the Court this proposed scheduling order, pursuant to Fed. R. Civ. P. 26 and L.R. 16.1. This matter is governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, *et seq.* (“ERISA”) and is subject to a review of the administrative record by the Court.

1. Disclosure pursuant to Fed. R. Civ. P. 26(a)(1): The parties agree, pursuant to Fed. R. Civ. P. 26(a)(1)(B)(i), that this ERISA action is exempt from initial disclosures as it is “an action for review of an administrative record.”

2. Defendants will provide a copy of the Administrative Record and Policy documents to Plaintiff on or before March 30, 2020. The parties agree that no other discovery regarding the administrative record is warranted in this ERISA action. Notwithstanding the foregoing, nothing in this Stipulation shall be read to prevent Plaintiff from arguing that additional discovery regarding her conflict of interest allegations is appropriate. Similarly

nothing in this Stipulation shall be read to prevent Hartford from arguing that any discovery proposed by Plaintiff is not appropriate.

3. Discovery deadlines: The parties agree to dispense with the pretrial disclosure requirements of Fed. R. Civ. P. 26(a)(3) as this matter is an administrative review and will be decided on cross motions for summary judgment.

4. The parties do not consent to the conducting of all further proceedings before a magistrate judge.

5. Defendants will file a copy of the administrative record with the Court by June 19, 2020. Because the record contains voluminous personal and confidential health information of Plaintiff as well as other confidential materials, Defendants will seek permission of the Court to file that record under seal by March 31, 2020.

6. The parties will file and serve their dispositive motions pursuant to the following schedule:

- a. Plaintiff to file Motion for Summary Judgment and supporting materials, including Statement of Material Facts – May 4, 2020
- b. Defendants to file Motion for Summary Judgment and Response to Plaintiff's Motion, including Response to Statement of Material Facts – June 3, 2020
- c. Plaintiff to file Reply and Response to Defendants' Motion- July 6, 2020
- d. Defendants to file Reply – August 5, 2020

Stipulated and agreed to by:

Dated: March 17, 2020

s/ David L. Trueman

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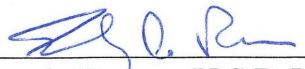
s/ Brian P. Downey

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Attorneys for Defendants

IT IS SO ORDERED:


Edgardo Ramos, U.S.D.J
Dated: March 17, 2020
New York, New York